

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE GARCIA ESTRADA	§	
	§	
v.	§	C.A. NO. C-04-687
	§	
DOUG DRETKE, ET AL.	§	

ORDER DENYING PLAINTIFF'S MOTION FOR TRANSCRIPTS

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C.

§ 1983. Pending is plaintiff's motion to proceed without paying costs for transcript of a November 1, 2005 hearing. (D.E. 81).

Plaintiff sought leave to proceed in forma pauperis in this action. (D.E. 8).

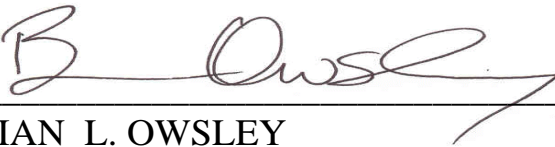
An initial partial filing fee and collection order was issued. (D.E. 12).

The Fifth Circuit has explained that "[i]n order to succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal." Norton v. Dimanzana, 122 F.3d 286, 293 (5th Cir. 1997) (citing Harvey v. Andrist, 754 F.2d 569, 571 (5th Cir. 1985)). Plaintiff participated in the hearing and was able to take notes. He asserts that he believes this transcript will be helpful in a writ of mandamus that he intends to file against various elected officials and legislative bodies. He has not addressed why he is unable to file the writ of mandamus

without the transcript.

Accordingly, plaintiff's motion to proceed without paying costs for transcripts, (D.E. 81), is DENIED.

ORDERED this 20th day of June 2006.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE